

HOOVER POLICE DEPARTMENT STANDARD OPERATING PROCEDURES

| | | |
|--|--|-------------------------|
| EFFECTIVE DATE: 03/01/2005 | REVISION DATE: | SECTION: 1900.05 |
| SUBJECT: USE OF FORCE PROCEDURES - Use of Force/Firearms Discharge Review Board | APPROVED BY: Nicholas C. Derzis, Chief of Police | |

Purpose:

The purpose of this board is to review all discharges of firearms and/or uses of lethal physical force by officers of the Department.

A. Composition of Board:

1. The Board will be composed of police officers with field experience that can fairly examine another officer's actions.
2. Members of the Board will be appointed by the Chief of Police.
3. Personnel of the following rank will be on the Board:
 - a. One Captain (will serve as chairman, and vote only in the event of a tie);
 - b. Two Lieutenants and one alternate;
 - c. Two Sergeants and one alternate;
 - d. Two Officers and one alternate.

B. Meetings:

1. The Use of Force / Firearms Discharge Review Board will be convened within three working days from the completion of the investigation by Internal Affairs of a firearm discharge.
2. A working day is construed as Monday through Friday, excluding holidays.

C. Scope of Board Reviews:

The Board will review all firearm discharges by Hoover Police officers with the exception of discharges for training purposes, or injured animals.

D. Selection of Board Members:

Members of the Board will be selected based on the following criteria:

1. No officer from the same unit or shift will serve as a member of the Board.

2. No probationary member will be selected as a Board member.
3. Officers on the Board should be notified 48 hours in advance of a meeting of a Firearms Review Board. This will not preclude an alternate member being selected if the officer notified is unable to attend.
4. No Police personnel actively involved in the investigation or incident shall be a member of the Board.
5. No Internal Affairs Investigator shall be a member of the Board.

E. Conduct of Meetings:

1. At the Board meetings, an Internal Affairs Investigator will present the findings of its independent investigation of the incident, and will also include relevant training information.
2. At the discretion of the Board, other information may be requested and persons may be called before the Board.
3. On the basis of the information presented, the Board will determine that the discharge was one of the following:
 - a. In policy;
 - b. Out of policy;
 - c. Accidental.

F. Basis for Decisions:

1. In making its decision, the Board will carefully examine the officer's actions to determine if they were consistent with the Department's Firearms Discharge Policy and Guidelines.
2. The following questions will help them make such a determination:
 - a. Were all reasonable alternatives exhausted?
 - b. Was the safety of innocent bystanders threatened?
 - c. Would a trained police officer of ordinary caution and prudence, acting impartially and without prejudice under the same circumstances have acted similarly?
3. Accidental discharges shall be evaluated to determine negligence or violation of departmental policy.

G. Final Recommendation:

1. The final recommendation of the Board will be submitted to the Chief of Police.
2. Any member of the Board may also submit a separate report.
3. The officer whose discharge was reviewed will have the right to be furnished a copy of the Board's report and make a response to the Chief of Police.
4. All Board votes on final determination will be made by secret written ballot.

H. Consultants:

The following consultants may attend meetings:

1. Lieutenant - Internal Affairs Representative;
2. Representative from the City Attorney's office;
3. Division Commander of officer involved;
4. The officer involved (optional), and his/her attorney (optional).

****Consultants will not have a vote.****

I. Officer's Attendance at Meetings:

1. If the officer elects to be present at the meeting, he/she will not be interrogated nor will he/she interrogate. The officer may make a statement if he or she desires, but is not required to do so.
2. If the officer elects to have his/her attorney present during the Firearms Discharge Review Board meeting, the attorney will not be allowed to cross-examine witnesses and will act only as an advisor to the officer.

J. Board Voting:

Should the officer and his/her attorney exercise their option to attend the Firearms Review Board, they shall absent themselves from the room before the balloting.